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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

DIANA GDOWSKI, Plaintiff and Appellant, v. CITY OF PALOS VERDES ESTATES, Defendant and Respondent;	No. B217417 (Super. Ct. No. BS116541)
ASHAI DESIGN, et al., Real Parties in Interest.	

APPEAL from an order of the Superior Court of Los Angeles County. James C. Chalfant, Judge. Affirmed.

Cox, Castle & Nicholson and Stanley W. Lamport for Plaintiff and Appellant.

Aleshire & Wynder, Joseph W. Pannone, and June S. Ailin for Defendant and Respondent.

No appearance for Real Parties in Interest.

Pursuant to Code of Civil Procedure section[1] 1094.5, Diana Gdowski filed a petition for a writ of mandate in the superior court seeking to set aside the City of Palos Verdes Estates' (City) adoption of a resolution approving permits to construct a residence on a vacant lot across the street from her home. Gdowski claimed the City's view finding (View Finding), one of the four necessary findings required by the City's Neighborhood Compatibility Ordinance (Ordinance),[2] was not supported by substantial evidence. The superior court denied the petition finding the View Finding was adequate. Gdowski contends the View Finding is legally inadequate. We affirm.

FACTUAL AND PROCEDURAL SYNOPSIS

I. Prior Writ

On November 12, 2004, Mike Aulert filed an application to construct a two-story single family spec-house (Project) on property located at 2317 Via Acalones (Project Property) in the City. After receiving notice of the City's hearing process, Gdowski retained Russell Barto, an experienced architect in the City, to review the Project plans and recommend reasonably practicable measures to reduce the impact of the Project on her view and to address concerns of the neighbors surrounding the Project Property. Gdowski identified nine reasonably practicable measures. The City's planning commission initially approved the Project in February 2005 without adopting any of the measures proposed by Gdowski. Gdowski appealed that decision to the City Council, which denied her appeal and approved the Project in April 2005. The council imposed five conditions in addition to those imposed by the planning commission. Gdowski brought a writ of mandate in the superior court on the grounds she was denied a fair hearing. The superior court granted the writ. This court agreed. Following the appeal,

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[1] All statutory references are to the Code of Civil Procedure.

[2] The Ordinance is codified in Palos Verdes Estates Municipal Code (MC), title 18.36.

the superior court issued a writ of mandate directing the City to set aside its approval, reopen the public hearing and conduct a fair hearing in accordance with the law.

On July 8, 2008, the City Council conducted a new hearing on Gdowski's appeal. Despite opposition from all the surrounding property owners, the City Council again approved the Project. On July 22, 2008, the City Council adopted resolution R 08-23 (Resolution), which contains the City's findings and conditions of approval.

II. The Project

A. The Properties and Gdowski's View

The Project Property is a vacant lot on a hillside that slopes down hill from Via Acalones. The Project Property fronts on Via Acalones, which runs along the south side of the Project Property. There is a home on the lot abutting the west side of the Project Property; the lot immediately to the east is a vacant lot. The rear of the Project Property abuts the rear yards of three houses which front on Via Del Monte, which is down hill and north of Via Acalones.

Gdowski's home is across the street from the Project Property. It is one of two homes that have existing sweeping views over the Project Property. One of Gdowski's neighbors is directly across the street from the Project Property. Gdowski's property is located southeast of the Project Property.

The predominant view from Gdowski's home is over the Project Property. The Project would block a portion of that view which includes an unobstructed view of the Redondo Beach waterfront extending from the Esplanade and adjoining beaches northward to King Harbor and a large area extending inland from the Esplanade.

In the 2005 proceedings, there was an issue about a tree on the property immediately to the west of the Project Property that had grown into Gdowski's view. Gdowski informed the City Council that the vegetation was a temporary impairment, that it had grown during the rainy season and that she had an agreement with the owner of the

property on which the tree was located to remove it. The tree was cut down the day before the April 2005 City Council hearing.

There are several photographs in the record showing Gdowski's view in 2005 and one photograph showing her view in 2008.

B. The Project View Corridor

The Project was designed with the main, two-story part of the house extending south to north along the western side of the Project Property. A one-story living room extends eastward, perpendicular from the main part of the structure.

Only two properties have views which would be affected by the Project – Gdowski and her neighbor at 2316 Via Acalones. The Project plans purport to show that the neighbor could look through the view corridor retaining a portion of his view. Gdowski claims the City never accounted for the wall surrounding the Project Property that completely eliminated the view corridor. The front yard elevations directly across from 2316 show a courtyard wall extends the entire frontage along Via Acalones that is almost as high as the ridge of the second story of the proposed main residence.

Barto, Gdowski's architect, stated in a July 3, 2008, letter to the City Council that the applicant's plans showed a seven foot courtyard wall that would be six feet higher than the living room roof eliminating the view corridor previously referenced by the City. The plan shows the wall towering above the one-story living room.

Because Gdowski's house is southeast of the Project, her view is directly into the two-story main residence, which creates a long wall blocking part of her view. From Gdowski's perspective, the second story rises behind the living room and blocks her view over the living room. All the photographs confirm the proposed house does not provide Gdowski with a view corridor.

III. Legal Proceedings

A. City Proceedings

1. The 2008 City Council Meeting

On July 8, 2008, the City Council conducted a new public hearing on the Project. The written record included a staff report; documents, exhibits and correspondence from Gdowski's prior appeal; and correspondence received after posting notice of the new public hearing.

Gdowski submitted additional information to the council consisting of letters from herself, her legal counsel Stanley Lamport and her architect Barto. Lamport noted that the tree foliage referenced in the prior approval finding had been gone for three years, that Gdowski's existing view was not impaired by any foliage and that the Project did not provide Gdowski with a view corridor. Barto addressed Gdowski's proposal to minimize the second story by maximizing the first floor square footage and explained how that would preserve the privacy of the neighbors. Barto also claimed the Project did not provide Gdowski a view corridor. Attached to Barto's letter was Figure 5, which he claimed showed why no view corridor existed. Gdowski again referenced some of the reasonably practicable measures she previously had identified and insisted more of her suggested modifications be made to the Project.

At the hearing, Allan Rigg, the City's planning director, gave a presentation and responded to council members' questions. Barto and Lamport spoke as did the Project applicant Aulert. Barto claimed the standards applied by the planning commission had changed and requested the case be remanded to the commission for reconsideration. Neighboring property owners, all of whom opposed the Project as designed, wrote or spoke asking the council to require changes to the design of the house to address their concerns. Some neighbors supported Gdowski while others expressed different concerns.

Aulert and Lamport offered rebuttals. Aulert noted that some people wanted the proposed house, which had already been moved around the lot, pushed further down hill

and some did not and that what made some people happy made someone else unhappy. Rigg stated the standards applied by the planning commission had not changed and responded to questions.

The council members made brief statements before voting; all stated they were considering the current conditions in the neighborhood. Member Perkins said she visited the property the day of the hearing and thought the height of the proposed house was comparable to the height of other houses she saw that day, preserved the natural features of the land, was reasonably compatible with the neighborhood, and preserved privacy and views to the extent reasonably practical. Member Humphrey stated she had walked the site and found the Project complied with all the requirements of the Ordinance, preserved the natural features of the land and did not unreasonably interfere with neighbors' existing views. Member Goodhart said he had walked the site the night before and the conditions were different from when he had visited the site three years before. Goodhart stated the house did not look out of character in the neighborhood and did not stand out or loom and, although it was larger than the average lot, it was within allowed limits and did not unreasonably interfere with neighbor's views. With regard to the claims the developer had not addressed neighbor's concerns, Goodhart noted the Project had changed as it went through the process. Mayor Sherwood stated he had visited the area on July 4 and commented on Gdowski's view. Sherwood concluded the Project was reasonably compatible with the character of the neighborhood, preserved the natural features of the land and did not unreasonably interfere with existing views. The council then voted to approve the Project and imposed additional conditions.

2. The Resolution

The City Council's approval was not final until adopted by resolution; the Resolution came before the council at a public meeting on July 22. Lamport submitted a letter requesting the council modify certain conditions that otherwise would reduce the views over the proposed house and again argued there was no evidence that a portion of

Gdowski's view was currently obscured by foliage. Lamport appeared at the hearing, but the applicant did not. The City Attorney advised the council that because the applicant was not present, it would not be fair to modify the conditions unless it continued the hearing to a date when the applicant could be present. The council adopted the Resolution with the additional conditions.

3. The View Finding

The Ordinance requires the City Council find "[t]hat the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views."

The adopted View Finding stated the Project:

> Is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, since any development on the Property, which is currently vacant, will affect views, the project has been designed with a view corridor, and portions of [Gdowski's] view which will be obscured by the structure on the Property are currently obscured by foliage.

B. Court Proceedings

1. The Writ Petition

Gdowski timely filed a writ petition in superior court on August 20, 2008. Gdowski argued there was no evidence that any foliage obscured the portions of her view that would be obscured by the Project or that there was a view corridor. The City argued the vacant lot element alone was sufficient to support the View Finding and the 2008 photograph showed a small scrub or tree at ground level that obscured a small part of the view the Project would obstruct.

2. The Tentative Decision

On April 13, 2009, the court issued a tentative decision that became the court's statement of decision. With respect to the vacant lot element, the court stated:

> Gdowski does not dispute the City Council's conclusion that any development will have some view impact. The City argues that, by itself, this concession is sufficient to uphold the finding.
>
> The Court does not agree. The City Council's statement that any development will have some view impact is basically true, but cannot alone constitute substantial evidence to support the finding. To conclude otherwise would be to state that view impacts need not be considered at all when a home is built on a vacant lot. A developer could build a three story home that completely obstructs their neighbors' view. That conclusion is inconsistent with the purpose and intent of the Ordinance to minimize view impact where reasonable to do so.

The court found there was no substantial evidence to support the foliage element, stating:

> Gdowski initially contends that there is no evidence to support a conclusion that foliage currently blocks her view. She points out that the 2005 photo shows trees blocking her view, but the 2008 photo shows that those trees have been trimmed or removed. Thus, there is no evidence that her view is obscured by foliage.
>
> The court tends to agree. The City quibbles that there is a shrub or tree in the 2008 that obscures a portion of Gdowski's beach view. This obstruction is insignificant and not enough to support a conclusion that portions of Gdowski's view are currently obscured by foliage. This portion of the Resolution is not supported by substantial evidence.
>
> . . . .
>
> Although the foliage portion of the City Council's finding concerning neighbors' views lacks evidentiary support, this does not provide a basis to set aside the City's decision if the finding is otherwise supported by substantial evidence. (Citation & italics omitted.)

The court made two other findings to which Gdowski objects:

> The problem with Gdowski's argument is that the project does have a one-story living room and that this single-story, as opposed to a second story, enhances the view of upslope neighbors. The result is a relative flat roof line from Gdowski's viewpoint. Gdowski's architect contends that her view is impacted by a courtyard wall, but her view would be impacted to a greater extent if the second-story extended over the living room. Moreover, the impact of the courtyard wall depends on the vantage point. While the architect purports to show the courtyard wall eliminates [the] view corridor over [the] one-story living room, he does not show the vantage point for this contention.
>
> Gdowski argues in reply that the single-story living room may provide a view for another residence (2316 Via Acalones), but not hers. Instead, her view is across the living room and into the two-story portion of the rest of the house.
>
> This argument assumes that the view requirements of the Ordinance are dedicated to Gdowski's view. They are not. Rather, the Ordinance requires only that the project not unreasonably interfere with neighbors' existing views. Gdowski is one of a number of neighbors whose views may be impacted, and a design that aids some neighbors but not all still may meet the test. (Citation, italics & internal quotation marks omitted.)

The court announced a second basis for its decision that the City had not abused its discretion:

> In any event, there is substantial evidence that the project's silhouette will not unreasonably interfere with Gdowski's view. The 2008 photo shows that, even with the project, Gdowski will have an unobstructed view of the ocean. Her view of the city will be partially obstructed only. Whether this is appropriately described as a 'view corridor' does not control.
>
> This conclusion that the project will not unreasonably interfere is underscored by the fact the property is currently a vacant lot. As the City Council found, Gdowski currently has a completely unobstructed view, and any development is going to have some adverse impact on Gdowski's view unless, as one Council member noted, the project is built entirely into the hillside. The project as conditioned, will provide Gdowski with a view that is mostly preserved. There is no unreasonable interference. (Citation & fns. omitted.)

3. The Hearing

At the hearing, Lamport argued the single-story living room did not provide a view corridor and as there was no evidence Gdowski's view was obstructed by foliage, the View Finding was deficient in that it did not address her existing view. Counsel for the City argued that even if the wall was higher than the living room, Gdowski could look over the wall and her neighbor could see through the top of the wall, which was depicted with "open work." The court noted the council's findings were "pretty casual" and "arguably rubber-stamp[ed] what they did before." The court reasoned the issue was whether substantial evidence supported the findings however casually they were written, stating:

> She's entitled to a reasonable view. Is there substantial evidence that they did a lot to help her get a reasonable view? Yes, there is.
>
> Yes, their use of the term 'viewpoint' is probably inartful; certainly reference to the foliage where there is one little bush in the way, maybe is de minimus, a waste of everybody's time and efforts. But does she have a reasonable view? She does.

Lamport argued the court was reaching a conclusion the council did not make in the View Finding. The court stated:

> I'm thinking of public policy. Public policy is that when an agency makes a finding, it should be encouraged to offer reasons for its findings, and if one of them or two or three of them prove to be wrong, I think it is bad policy to vacate the decision and send it back for new findings:
>
> I think that if the court feels that the findings are adequately supported by the reasons that are left after the false reasons are taken away, then the decision should be upheld, although, I admit I have not seen a case that says that. I think that's what should happen.

Lamport argues the court would have to speculate about what the council would decide and was going into a realm where it could not go in reviewing the City's decision. The court analogized its review to the standard applied by an appellate court in reviewing a trial court's decision. Lamport disagreed noting the City was required to make findings to bridge the analytic gap. The court responded:

> We're now quibbling over what the finding is. The finding can be attacked as simply the statutory language with the supporting reasons propping it up. Your argument that we don't know what they would do if they knew that two or three of those props were gone is wrong. They have made the finding. You know what they would do. They made a finding. And just because two of their arguments are taken away from them does not mean the finding doesn't still exist. The findings still exist. That's why I think I can tinker with these reasons.

Lamport argued that it was not the court's job to tinker with the council's findings and that it would be good public policy that when an agency made a decision, it did not force the court to recast the decision to get to the right conclusion. The court responded:

> I don't see that I should send this back to the agency for them to redo their findings. I don't think it is necessary. And although you argue good public policy reasons why they should be required to do that, I have argued a good public policy reasons why I shouldn't, and I guess my argument prevails.

Gdowski filed a timely notice of appeal from the judgment denying her petition for a writ of mandate.

DISCUSSION

I. The Ordinance

The Ordinance, which requires permits for development in the R-1 zone, provides:

> The purpose of this chapter is to preserve the natural scenic character of the city by establishing minimum standards relating to the

siting and massing of either a new structure or a remodeled structure in an existing neighborhood to assure to the greatest extent practicable that the resulting structures are compatible with the neighborhoods within which they are located. The intent of this chapter is to regulate the development or redevelopment of each building site with respect to adjacent land, public or private, and existing structures so as to maximize visually pleasant relationships, assure a bright, open neighborhood with a maximum of light and air, and avoid the unpleasant appearance of crowding one structure against another, or of one structure towering over another, insofar as is reasonable and practical. It is not the intent to unreasonably restrict or regulate the right of an individual property owner to determine the type of structure or addition he may wish to place or modify on his property. It is the intent, however, to assure that the new or modified structure does not unreasonably impact on adjacent property owners and the compatibility of structures in the neighborhood. The regulations in this chapter are in addition to the requirements of other regulations or ordinances of the city, and, where in conflict, the more restrictive regulations shall apply. (MC § 18.36.010.)

In order for permits to be issued, four findings must be made:

A. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;

B. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;

C. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and

D. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbor's existing views. (MC § 18.36.045.)

One objective listed by the Ordinance is, "Designs should consider to the extent reasonably practicable neighbors' existing views." (MC § 18.36.030D.)

II. Standard of Review

Gdowski's writ petition attacks only the latter required finding (i.e., the View Finding), claiming it was not supported by substantial evidence. *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, is the seminal case setting out the standard for appellate review of agency findings. The court held: "[A] reviewing court, before sustaining the grant of a variance, must scrutinize the record and determine whether substantial evidence supports the administrative agency's findings and whether these findings support the agency's decision. In making these determinations, the reviewing court must resolve reasonable doubts in favor of the administrative findings and decision." (*Id*., at p. 514.) Section 1094.5, contemplates that when a court is petitioned for a writ of mandamus, the court inquires whether there was a prejudicial abuse of discretion, which may be established if "'the findings are not supported by substantial evidence in the light of the whole record.'" (*Id*., at pp. 514-515.)

Gdowski also contends the trial court exceeded the bounds of the standard of review. However, "[o]n appeal, we review the administrative decision itself (not the decision of the trial court) to determine if it is supported by substantial evidence." (*Mohilef v. Janovici* (1996) 51 Cal.App.4th 267, 306.)

The parties disagree as to whether the City's View Finding complied with the standard for agency findings required by *Topanga*. "We further conclude that implicit in section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. If the Legislature had desired otherwise, it could have declared as a possible basis for issuing mandamus the absence of substantial evidence to support the administrative agency's action. By focusing, instead, upon the relationships between evidence and findings and between findings and ultimate action, the Legislature sought to direct the reviewing court's attention to the analytic route the administrative agency traveled from evidence to action. In so doing, we believe that the Legislature must have

contemplated that the agency would reveal this route. Reference, in section 1094.5, to the reviewing court's duty to compare the evidence and ultimate decision to 'the findings' we believe leaves no room for the conclusion that the Legislature would have been content to have a reviewing court speculate as to the administrative agency's basis for decision." (Italics omitted.) (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra*, 11 Cal.3d at p. 515.)

Such a requirement of findings "serves to conduce the administrative body to draw legally relevant sub-conclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions. In addition, findings enable the reviewing court to trace and examine the agency's mode of analysis." (Citations & fn. omitted.) (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra*, 11 Cal.3d at p. 516.)

"Absent such roadsigns, a reviewing court would be forced into unguided and resource-consuming explorations; it would have to grope through the record to determine whether some combination of credible evidentiary items which supported some line of factual and legal conclusions supported the ultimate order or decision of the agency. Moreover, properly constituted findings enable the parties to the agency proceeding to determine whether and on what basis they should seek review. They also serve a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable." (Citations & fns. omitted.) (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra*, 11 Cal.3d at pp. 516 -517.) "Although a variance board's findings 'need not be stated with the formality required in judicial proceedings,' they nevertheless must expose the board's mode of analysis to an extent sufficient to serve the purposes stated herein. We do not approve of the language . . . which endorses the practice of setting forth findings solely in the language of the applicable legislation." (Citations omitted.) (*Id*., at p. 517, fn. 16.)

The challenged View Finding states the Project:

> Is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views, since any development on the Property, which is currently vacant, will affect views, the project has been designed with a view corridor, and portions of [Gdowski's] view which will be obscured by the structure on the Property are currently obscured by foliage.

Gdowski contends a court may not seek to obtain a reason for an agency's decision not expressed in its findings, i.e., the View Finding is deficient because it does not bridge the analytical gap between the City's findings and its decision. Gdowski notes there are three grounds (or elements) to the View Finding -- the foliage grounds, the view corridor grounds, and the vacant lot grounds; she posits that the first two grounds are not supported by the record as there is no evidence that the Project has a view corridor or that foliage blocks a portion of her view, and the last ground is insufficient by itself to support the View Finding.

As explained by the trial court, the vacant lot element by itself is not sufficient to support the View Finding.

The City contends substantial evidence supports the foliage finding as the 2008 photograph shows a shrub or tree obscured a portion of Gdowski's view. The trial court found there was no evidence that Gdowski's view was obscured by foliage, noting the fact there was a shrub or tree in the 2008 photograph was insignificant. We agree with the court as the color photograph lodged by Gdowski shows that any view blockage by the tree or shrub was minimal.[3] Gdowski suggests our inquiry should end there because the Ordinance refers to not interfering with views and, even if the view corridor was upheld, it only benefitted a neighbor, not Gdowski. We are obligated to review the entire record to determine if there is evidence to support the View Finding. (See *City of Carmel-by-the-Sea v. Board of Supervisors* (1977) 71 Cal.App.3d 84, 91-92.) In

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[3] Although Gdowski stated she would lodge the color photographs submitted to the trial court, she lodged only one of the color photographs.

addition, we keep in mind that "[f]indings are required to state only ultimate rather than evidentiary facts." (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1362.)

Gdowski proffers that the point of the view corridor finding is that affected neighbors will be able to look over the living room's one story roof and thereby retain a view, architect Barto's Figure 5 shows that any sight line over the living room is blocked by the perimeter wall, and the City did not find there was a view corridor over the wall.

Gdowski argues the record does not support the existence of a view corridor because a perimeter (or courtyard) wall blocks the neighbor's view and because the two story main house blocks her view over the living room. Gdowski attacks the court's conclusions that her view would have been more impacted if the living room was two stories and the impact of the wall depends on the vantage point, reasoning those conclusions had nothing to do with whether the living room created a view corridor and there was no evidence her view would have been more impacted if the living room had two stories.

Gdowski complains the court rewrote the City's finding when the court stated the Project did not unreasonably interfere with her view because the Project lot was vacant and she retained a portion of her view, as the latter finding was not contained in the View Finding. However, the Resolution also contained the finding that: "The Property is currently a vacant lot. Any structure built on the Property will have an impact on views and privacy. The proposed structure has been designed with a view corridor by having the living room remain a single story and [Gdowski] will retain a significant portion of her existing views of the city lights and ocean."

Gdowski argues that considering that finding, which was in section 8g of the Resolution, is improper because it was not part of the View Finding in section 9d. Section 8 lists findings "[b]ased upon the evidence presented" while section 9 is "[b]ased upon the findings set forth herein." Gdowski implies this court cannot consider the finding in section 9 as it was not argued in the trial court and would require the court to

engage in an analysis the City did not make. Not so, "where reference to the administrative record informs the parties and reviewing courts of the theory upon which an agency has arrived at its ultimate finding and decision it has long been recognized that the decision should be upheld if the agency 'in truth found those facts which as a matter of law are essential to sustain its . . . [decision].'" (*McMillan v. American Gen. Fin. Corp*. (1976) 60 Cal.App.3d 175, 184.)

Gdowski urges a definition of a "view corridor" as "a visual passage through the property." (See Merriam-Webster's Collegiate Dict. (10th ed. 1995) pp. 260-261.) We conclude Gdowski reads the View Finding too narrowly. We agree with the trial court that the City could have done a better job with its findings. The Resolution is not a model of clarity, e.g., there is no definition of what the City meant by a "view corridor." But we conclude that the City's View Finding is not limited to whether there was a view corridor because the Resolution also found Gdowski retained a significant portion of her existing view; a finding Gdowski does not attack.

Gdowski concentrates on the word "practicable," which she notes is defined as, "capable of being put into practice or of being done or accomplished." (Merriam-Webster's Collegiate Dict., *supra*, p. 914.) However, Gdowski ignores the qualification of "reasonably." "Reasonable" is defined as "Fair, proper, just, moderate, suitable under the circumstances. Fit and appropriate to the end in view. . . . Not immoderate or excessive, being synonymous with rational, honest, equitable, fair, suitable, moderate, tolerable." (Black's Law Dict. (5th ed. 1979) p. 1138, col. 1.) "What is reasonable depends, of course, on the circumstances of each case." (*Consolidated World Investments, Inc. v. Lido Preferred Ltd.* (1992) 9 Cal.App.4th 373, 381.)

Although Gdowski states she does not contend the court improperly rejected her proposed measures, as she has done throughout this litigation, Gdowski asserts the requirement to find a development be designed "to the extent reasonably practicable, [so that it] does not unreasonably interfere with neighbors' existing views," which "makes it clear that a project has to incorporate all of the reasonably feasible measures available to

not unreasonably interfere with existing views." (Italics deleted.) Gdowski reasons "[t]he fact that a project incorporated some measures does not establish that the project has gone to the extent reasonably practicable to avoid unreasonably interfering with views." In other words, Gdowski believes the City had to adopt all her suggested measures if they were feasible.

The Ordinance does not require an applicant to preserve existing views to the greatest extent possible as Gdowski would like -- a position she advocated before the City Council and continues to espouse. At the hearing before the City Council, Perkins noted the standard was "not to preserve the view to the greatest extent possible." Moreover, the Ordinance is not limited to preserving existing views, but also, as recognized by the trial court, requires the City to balance several factors in approving permits. For example, at the hearing before the planning commission, the emphasis was on grading. One council member also expressed concern about grading. This court defers to an agency's balancing of such factors.

Even if there was no "view corridor," under the Ordinance, the question is whether the Project unreasonably interfered with Gdowski's view. Thus, the issue becomes whether substantial evidence supports the finding Gdowski retained a significant part of her existing view.

Regarding the 2005 and 2008 photographs (found at pages 440 and 554 of the administrative record respectively), after reviewing the color overlay also provided to this court, the trial court noted: "As the City argues, the overlay photograph can be criticized because it does not identify the vantage point at Gdowski's residence from which it was taken. The other photograph in the record is from 2005 (the '2005 photo'). The 2005 photo was taken from Gdowski's balcony, the principal location from which she would be expected to look at views. This picture is taken from a somewhat higher vantage point than the 2008 photo and shows a better view of the ocean and city. Apart from the trees, the 2005 photo is the fairer photograph from which to evaluate Gdowski's view." (Citations omitted.)

The 2005 photo shows Gdowski will retain a portion of her existing view, which the City determined was significant. Even the color photograph lodged by Gdowski (which is the 2008 photo) also shows she will retain a portion of her existing view. At the City Council hearing, several council members stated they had visited the site and found, among other things, that the proposed Project did not unreasonably interfere with existing views.

The vacant lot grounds combined with the fact Gdowski retained a significant portion of her existing view constitute substantial evidence supporting the View Finding. In addition, the factual findings in the Resolution, including the other three required findings which are not attacked on appeal, support the City's decision as they explain the analytic gap between the findings (i.e., which constitute an implied finding the Project complied with the Ordinance) and City's conclusion (i.e., approving the Project). Looking at the Resolution in its entirety and not just at parts of it complies with *Topanga* and does not require this court to grope though the evidence. Thus, the trial court properly denied Gdowski's petition for a writ of mandate.

DISPOSITION

The judgment denying the petition for a writ of mandate is affirmed. The City to recover costs on appeal.

WOODS, J.

We concur:

PERLUSS, P. J. **ZELON, J.**